

Case Opening and General Processing—Adversary Proceedings

Docketing Event

Adversary > Open an Adversary Proceeding

Negative Notice: N/A

Fee: \$350

Code and Rule References

[11 U.S.C. § 523](#)

[11 U.S.C. § 727](#)

[28 U.S.C. § 1930](#)

[Fed. R. Bankr. P. 7001](#)

[Fed. R. Bankr. P. 7003](#)

[Fed. R. Bankr. P. 7004\(e\)](#)

[Fed. R. Bankr. P. 7007.1](#)

[Fed. R. Bankr. P. 7008](#)

[Local Rule 2090-1](#)

[Admin Order. FLMB-2014-10](#)

Description

An adversary proceeding (AP) is a dispute arising out of a bankruptcy case that is filed separately. Most adversary proceedings are commenced by one or more plaintiffs filing a complaint against one or more defendants and resemble a typical civil case. Some adversary proceedings are termed “removal actions” wherein a civil suit is removed from another court to the bankruptcy court because it relates to a pending bankruptcy case. Removal Actions procedures are addressed in a separate procedure.

Litigation in the bankruptcy court usually falls within two categories: contested matters and adversary proceedings. Both are governed by structured procedures. Some proceedings are specifically delineated as adversary proceedings and must be instituted by the filing of a complaint in the same court as the related bankruptcy case.

Administrative Order FLMB-2014-10, effective for all adversary proceedings filed after February 1, 2015, provides direction on the processing of various matters within an adversary proceeding.

Filing Checklist

Review the complaint to determine that:

- ☐ It is signed and dated;
 - ❖ **Note:** Adversary cover sheet and prepared summonses are not required when complaint is filed electronically
- ☐ Caption is in correct adversary style;
- ☐ Related/associated bankruptcy case number is accurate in caption;
- ☐ Statement of Corporate Ownership is filed if Plaintiff is a corporation; and
 - ❖ **Note:** Corporations must have an attorney to file an Adversary Proceeding.

When Docketing Insure:

- ☐ The proper Nature of Suit is selected;
- ☐ The demand amount selected matches the demand amount included in the complaint;
- ☐ Related/associated bankruptcy case number is entered correctly during case opening process;
- ☐ All plaintiffs and defendants are entered, names are correctly spelled, and correct role types (i.e., plaintiff, defendant, etc.) are selected; and
- ☐ Attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF.
 - ❖ **Note:** Pay filing fee unless plaintiff is a Chapter 7, 12, or 13 Debtor or Trustee, is an Agency of the United States of America, or is a child support creditor or their representative.

Forms

[Adversary Complaint Template](#)
